

**COMBINED DECLARATION
AND POWER OF ATTORNEY**

(Original, Design, National Stage of PCT or CIP Application)

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names; We believe we are the original, first and sole inventors (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NANOENGINEERED BIOPHOTONIC HYBRID DEVICE

the specification of which: (complete (a), (b) or (c) for type of application)

Regular or Design Application

- (a) [X] is attached hereto.
(b) [] was filed on _____ as Application Serial No. _____ and as amended on _____ (if applicable).

PCT Filed Application Entering National Stage

- (c) [] was described and claimed in International Application No. ___ filed ___ and as amended on ___ (if applicable).

Acknowledgment of Review of Papers and Duty of Candor

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

[] In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

Priority Claim

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed

(complete (d) or (e))

- (d) [X] no such applications have been filed.
 (e) [] such applications have been filed as follows:

| | | | |
|--|--------------------------------------|-------------------------------------|---|
| PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION | | | |
| COUNTRY APPLICATION NO. | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) | PRIORITY CLAIMED UNDER 37 USC 119 |
| | | | [] YES NO [] |
| ALL FOREIGN APPLICATION[S], IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION | | | |
| | | | [] YES NO [] |

Claim for Benefit of Prior U.S. Provisional Application(s)

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Provisional Application Number | Filing Date |
|--------------------------------|------------------|
| 60/408,775 | 7 September 2002 |
| | |
| | |

Continuation-In-Part
 (complete this part only if this is a continuation-in-part application)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | | |
|--------------------------|---------------|----------|--------------------------------|
| (Application Serial No.) | (Filing Date) | (Status) | (patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status) | (patented, pending, abandoned) |

POWER OF ATTORNEY

As named inventors, We hereby appoint Thomas D. MacBlain, Reg. No. 24,583, of the firm of GALLAGHER & KENNEDY, with offices at 2575 East Camelback Road, Phoenix, Arizona 85016, as attorneys and agents to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

Thomas D. MacBlain
GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix, AZ 85016-9225

DIRECT TELEPHONE CALLS TO:

Thomas D. MacBlain
GALLAGHER & KENNEDY, P.A.
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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|-----------------------------|---|---|-----------------------------------|-----------------------|
| FULL NAME OF FIRST INVENTOR | LAST NAME LaBelle | FIRST NAME Jeffrey | MIDDLE NAME T. | |
| RESIDENCE & CITIZENSHIP | CITY Arizona | STATE or FOREIGN COUNTRY Arizona | COUNTRY OF CITIZENSHIP USA | |
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| DATE | SIGNATURE OF INVENTOR | | | |

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|------------------------------|---|---|-----------------------------------|-----------------------|
| FULL NAME OF SECOND INVENTOR | LAST NAME Pizziconi | FIRST NAME Vincent | MIDDLE NAME B. | |
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| DATE | SIGNATURE OF INVENTOR | | | |